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"Let there be progress, therefore; a widespread and eager progress in every century and epoch, both of individuals and of the general body, of every Christian and of the whole Church, a progress in intelligence, knowledge and wisdom, but always within their natural limits, and without sacrifice of the identity of Catholic teaching, feeling and opinion."—ST. VINCENT OF LERINS, *Commonit.* c. 6.

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THE IRISH HOME RULE BILL.

A genuine attempt to settle long-standing Irish grievances and to bring about the realisation, in whole or in part, of century-old but never-abandoned and fondly-cherished Irish ideals must naturally be of absorbing interest both on sentimental and practical grounds to Irishmen or their descendants wherever they are found; but as an experiment in constitution making the Irish Home Rule Bill, now before the British Parliament, makes a still wider appeal. As the debates on the Bill have gone forward, the interest in it has increased, and no wonder, for it is a momentous step in legislation.

The Government of Ireland Bill—to give it its official designation—was introduced in the House of Commons on April 11, 1912, by the prime minister in a speech which, though perhaps not quite up to the standard of Gladstone's great oratorical performances on two similar occasions, is yet admitted on all hands to have been a model of lucidity and to have displayed a wonderful mastery of the complicated details of the measure to be expounded. The first trial of strength took place on the 16th of April, when the House divided on the motion for leave to bring in the Bill, and the Government had a majority of 94, the figures being 360 to 266. The Bill was accordingly "brought in" and read a first time. It obtained second reading on the 9th of May by a majority of

101 (372 for, 271 against), and is now in its Committee stage.

The Bill consists in all of 47 clauses and 4 schedules, and is therefore as brief and concise as the magnitude of the issues involved permits.

Its first proposition is to establish in Ireland a parliament consisting of the King and two Houses, namely, the Irish Senate of 40 members, and the Irish House of Commons of 164 members, with the proviso that, notwithstanding the establishment of the Irish parliament or anything contained in the Bill, the supreme power and authority of the parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters, and things within the King's dominions. It is thus made plain at the outset, as it is in many emphatic ways in later clauses, that the Irish parliament is to be subordinate to the parliament of the United Kingdom.

The principle adopted in 1886 and 1893 of bestowing a certain number of powers on the Irish parliament and of reserving the rest, defined and undefined, to the imperial parliament has on this occasion been abandoned in favour of the opposite principle of reserving from it certain named subjects and leaving to it everything else. Hence we find that the Bill now under consideration gives to the Irish parliament the general power of making laws for the peace, order, and good government of Ireland, but debars it from legislating on any matter affecting any of the following questions, namely:—

- (1) The Crown, or the succession to the Crown, or a regency; or the Lord Lieutenant except as respects the exercise of his executive powers in relation to Irish services;
- (2) The making of peace or war or matters arising from a state of war; or the regulation of the conduct of any portion of the King's subjects during the existence of hostilities between foreign states with which the King is at peace, in relation to those hostilities;
- (3) The navy, the army, the territorial force, or any other naval or military force, or the defense of the realm, or any other naval or military matter;

- (4) Treaties, or any relations with foreign states, or relations with other parts of the King's dominions, or offenses connected with any such treaties or relations, or procedure connected with the extradition of criminals under any treaty, or the return of fugitive offenders from or to any part of the King's dominions;
- (5) Dignities or titles of honour;
- (6) Treason, treason felony, alienage, naturalisation, or aliens as such;
- (7) Trade with any place out of Ireland; quarantine; or navigation, including merchant shipping, except as respects inland waters and local health and harbour regulations;
- (8) Lighthouses, buoys, or beacons, except when constructed or maintained by a local harbour authority;
- (9) Coinage; legal tender; or any change in the standard of weights and measures;
- (10) Trade marks, designs, merchandise marks, copyrights, or patent rights;
- (11) The following reserved services:—
 - (a) The Acts relating to Land Purchase in Ireland, the Old Age Pensions Acts of 1908 and 1911, the National Insurance Act of 1911, and the Labour Exchanges Act of 1909;
 - (b) The collection of taxes;
 - (c) The Royal Irish Constabulary and the management and control of that force;
 - (d) Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies;
 - (e) Public loans made in Ireland before the passing of the Bill into law.

Should the Irish Parliament make any law in contravention of the foregoing limitations, that law will be *ipso facto* void to the extent of the contravention.

With regard to the "reserved services" contained in Section 11, the Irish Constabulary passes automatically at the end of six years to the control of the Irish Parliament, and if both

Houses of the Irish Parliament pass a resolution providing for the transfer to the Irish government of public services in connection with the administration of the Old Age Pensions Acts or of the National Insurance Act, these services shall be accordingly so transferred on a date fixed by the resolution at not less than a year after its adoption. The services in connection with the Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies shall be similarly transferable, but not until ten years shall have elapsed.

A special clause effectually separates church and state. Its language is remotely reminiscent of the language used in the somewhat analogous portion of the first amendment to the Constitution of the United States. The Irish clause is so important and so clear that it deserves to be quoted in full:—

“In the exercise of their power to make laws under this Act the Irish Parliament shall not make a law so as either directly or indirectly to establish or endow any religion, or prohibit the free exercise thereof, or give a preference, privilege, or advantage, or impose any disability or disadvantage, on account of religious belief or religious or ecclesiastical status, or make any religious belief or religious ceremony a condition of the validity of any marriage.

“Any law made in contravention of the restrictions imposed by this section shall, so far as it contravenes those restrictions, be void.”

The foregoing clause is incorporated in the Bill for the general effect it is bound to have; but the portions of it which refer to ecclesiastical status and to marriage validity, respectively, are introduced specifically, as stated by Premier Asquith in his opening speech expository of the Bill, for the purpose of preventing any attempt at giving legal sanction or effect to two recent papal pronouncements, namely, the *motu proprio*, *Quantavis Diligentia*, and the *Ne Temere* decree. So much of a sop had to be thrown to the Cerberus of sectarianism, without, however, effectually stopping the monster's deep-mouthed bayings and hideous howls.

In appointing an executive authority, the time-honoured

British practice of having joint legislative and executive functions united in one individual, which is in such marked contrast to the system prevalent in the federal government of the United States, is adhered to, for the Bill requires that every Irish Minister must be a member of the Privy Council of Ireland and must also be a member of either one of the Houses of the Irish Parliament. The executive authority remains nominally vested in the King, but in reality, in respect of Irish services, in the Lord Lieutenant or other chief executive officer or officers to whom the King may delegate his prerogatives and powers. In practice, of course, this delegation of prerogatives and powers by the King will be a legal fiction, for it is the British cabinet that will be really responsible for the nomination of the Lord Lieutenant or other chief executive officer or officers in his room. The Irish Ministers, who are to be appointed by the Lord Lieutenant with, I take it, no more freedom in their selection than is exercised by the King at present in appointing the various heads of British Departments, will form an Executive Committee of the Privy Council of Ireland—that is, in ordinary parlance, a Cabinet—to aid and advise the Lord Lieutenant in the exercise of his executive power.

As the Bill now stands, it is contemplated that the first Irish Parliament of the new dispensation shall be summoned to meet on the first Tuesday in September, 1913, and shall thereafter hold a session at least once in each year and always so that not more than twelve months shall intervene between the ending of one and the beginning of another session. Each elected Irish House of Commons is to continue to sit for five years from the date of its first meeting, unless sooner dissolved by the Lord Lieutenant. The Senate is not affected by a dissolution, as its members are nominated for a term of eight years. The first Senators are to be nominated by the Lord Lieutenant on instructions from the King, that is, as before, from the British Cabinet; afterwards they are to be nominated by the Lord Lieutenant on the advice of the Executive Committee or Irish Cabinet. One-fourth of the Senators are to retire every second year, the order of retirement in the case of the first

forty to be decided by lot. The vacancies thus caused will be filled by a new nomination. The Bill is not clear on the point, but it seems to me that a Senator may be re-nominated to succeed himself. The 164 members of the Irish House of Commons are to be elected by the constituencies named in the Bill. There will be 2 University members, 34 Borough members, and 128 County members. The university members are assigned to Dublin University just as they are at present in the Imperial parliament, but as there are now two other universities in Ireland, a not unnatural protest has gone forth against the discrimination shown against them in this matter of representation; and it will not surprise me if a fairer adjustment is made in Committee, or if, alternatively, university representation is altogether abandoned. Any peer of any part of the United Kingdom may be a member of either Irish House. No one can be a member of both Houses at the same time, but an Irish Minister who is a member of one House may sit and speak in both, but cannot vote except in the House of which he is a member. Women are not given the parliamentary franchise, but there is apparently nothing in the Bill to prevent them from being members of either Irish House.

Any Bill passed by the Irish Parliament cannot become law until it receives the assent of the King, which is to be given by the Lord Lieutenant, and the Lord Lieutenant is to take from the King instructions in the matter of postponing or altogether withholding the royal assent. This provision gives the King—or, in other words, the British Cabinet—a complete veto on Irish legislation. It may of course be meant to be only a form; but there it is in black and white, and, read in conjunction with Clause I, this Clause VII makes the right of British veto on Irish legislation appear perfectly plain and indefeasible. The defence set up for it is that such a veto right appears in the constitution of every self-governing British dependency. Against the view that the possession of the power of veto on Irish legislation is to be regarded as being a mere formality, it may be urged that in the case of other countries constituting the British Empire the right is not only exercisable

but has been actually exercised. In addition to the veto power, there is also reserved to the Imperial Parliament the right of what is called Concurrent Legislation. This means that the Irish Parliament shall not have power to repeal or alter any provision of any Act extending to Ireland which may in the future be passed by the Parliament of the United Kingdom, even should such provision deal with a matter with respect to which the Irish Parliament has power to make laws; and, conversely, that any Act passed by the Irish Parliament, dealing with any matter with respect to which it has power to make laws, shall be read subject to any Act of the Parliament of the United Kingdom dealing with the same matter, and that, so far as it is repugnant to the British Act, the Irish Act shall be void. These are points about which much of what may be described as ultra-national Irish sentiment has been and still is keenly excited and on the alert; but Mr. John Redmond, speaking in the House of Commons on the 11th of April on behalf of himself and his party, made it plain that they at all events will not boggle at accepting the veto and concurrent legislation clauses as they stand. This attitude of the Nationalist party is perfectly intelligible from the point of view of "practical politics" or taking what you can get, and it must be remembered that they are on the spot and are in a position to make the best bargain possible and have every motive of honour and expediency to extract the maximum of concession. At the same time, every student of history will admit that, theoretically at least, there are at stake right here two great constitutional issues, important equally from the British and the Irish standpoint. How these reserved powers, if maintained in the Bill, will work out in practice time alone can tell; but it is no mere doctrinaire quibble to say that the elements of an intolerable friction are present, and that a set of circumstances might conceivably arise hereafter which would strain to the verge of breaking point the relations between the two Parliaments. What is relied on to prevent so undesirable a consummation is the spirit of amity and the feeling of interests in common that the Bill is calculated to promote between the

two countries. Ireland, contented and prosperous under the new régime, will, it is argued, be so conscious of her responsibilities, so proud of her acknowledged position in the congeries of self-governing countries that go to form the British Empire, and therefore so loyal to the British connection, that she will not seek to push her legislative claims to any extreme; and on the other hand, in so happy a posture of affairs, Great Britain will be extremely reluctant and slow to interfere in any way likely to hurt the sensibilities of her friendly neighbour. The argument is a strong one; and, as practically all modern government is the result of give-and-take and compromise, I am of opinion that those who put forward the cheery and optimistic view of the future will probably be proved to be in the right.

Money Bills, properly so called, can originate only in the Irish House of Commons, and can originate there only on the recommendation of the Lord Lieutenant. Such Bills coming up from the Commons must go through the form of passing the Senate so as to be in order for receiving the King's assent, but the Senate may neither reject nor amend them, being in this matter merely a body for registering the will of the other House.

In case a Bill of any other type passes the Commons and is either rejected or for any cause not passed by the Senate, or is so amended by the Senate that the Commons will not accept the amendments, the latter body can bring it up again in the following session, and if the Senate again fails to pass it or amends it in a manner unsatisfactory to the Commons, then the Lord Lieutenant may, during that same second session, convene a joint meeting of both bodies, and a majority of those present at the joint assembly on a vote taken determines the fate of the measure.

Even while having her own Parliament, Ireland is to have the right and the duty to send 42 members to represent her in the Commons House of Parliament of the United Kingdom. Of these, 8 will be selected by Boroughs and 34 by Counties. Besides this constant representation at Westminster, there is

also a provision that, when there is question of a revision of the financial arrangements of the Bill, there shall be summoned, by Order in Council, "to the Commons House of Parliament of the United Kingdom such number of members of the Irish House of Commons as will make the representation of Ireland in the Commons House of Parliament of the United Kingdom equivalent to the representation of Great Britain on the basis of population; and the members of the Irish House of Commons so summoned shall be deemed to be members of the Commons House of Parliament of the United Kingdom for the purpose of any such revision."

The Bill is silent on the point as to whether Irish Peers elected by their fellows are to serve as at present in the House of Lords of the United Kingdom, but the inference is that, as the Act of Union of 1800 is not repealed by the Government of Ireland Bill, and as there is to be no Irish House of Lords, things in that respect remain *in statu quo ante*, and that Irish peers will have the right and the duty to continue their attendance in the British upper chamber.

Ample provision is made for the protection of the interests of existing Irish Judges, civil servants, and police officers and constables, in the matter of salaries, pensions, and nature of duties to be performed. Judges appointed after the passing of the Bill into law will be nominated by the Lord Lieutenant and will hold office by the same tenure as judgeships are now held, that is, practically for life, and will be removable only on the presentation of an address from both Houses of the Irish Parliament instead of from both Houses of the Imperial Parliament as at present.

The right of appeal to the House of Lords from the decisions of the Irish law-courts ceases. In lieu thereof there is substituted the right of appeal to the King in Council, that is, in practice, to the judicial committee of the British Privy Council. Similarly, questions as to whether any Irish Bill or Act, or portion of same, is beyond the powers of the Irish Parliament will, on the recommendation of the Lord Lieutenant or of a Secretary of State, or on petition from any

individual, be referred to, and determined by, the judicial committee of the British Privy Council.

The financial provisions of the Government of Ireland Bill are necessarily of extreme importance, and while they are complicated enough in some of their details, in general principle they are distinguished by simplicity. The Liberal Ministry has acted on the assumption, which they say is borne out by the Treasury figures, that, whereas in 1893, when Gladstone introduced his second Home Rule Bill, there was an estimated contribution by Ireland of over £2,000,000 a year to the Imperial Exchequer, such changes have occurred in the interval that Ireland is now run at an annual loss to Great Britain of between £1,000,000 and £2,000,000. For example, the government estimate of the true Irish revenue for the financial year 1912-1913 is £10,839,000, while the estimate of the expenses for local Irish services for the same period is £12,354,000, showing a deficit of £1,515,000. It has been well established by the findings of Commissions of investigation and other bodies that over-taxation and mal-administration are the causes of this sorry condition of affairs. There is accordingly a feeling that some restitution is due to the nation which under the Union has been systematically robbed. Expediency, too, plays its part, for, if something is not done to check the downward process, things will go from bad to worse, and Ireland will remain an ever-growing burden on British finances. This latter view has been boldly advanced by the promoters of the Government of Ireland Bill, and it is bound to have weight with the British tax-payer, who, like every other taxpayer, is very sensitive where his pocket is concerned. It would never do, of course, to start Ireland on her new career in an insolvent condition; but by helping her out now and bearing for a time her deficit, the British tax-payer will enable her to work out her own salvation and incidentally, it is believed, to save him in the course of a few years from what is now a growing loss, which may with careful and economical management be ultimately turned into a profit. This is the

basic principle underlying the proposed financial relations between the two countries.

The way the case is met is both ingenious and simple. Great Britain will at the outset bear all the expenses of the "reserved services," and will continue to bear them as long as they remain reserved, but the obligation will be upon the Irish government to pay the cost of all other Irish services out of a fund which will be placed at its disposal in the manner now about to be shown. Among the "reserved services" is the collection of taxes. The collection of taxes—other than duties of postage, which fall to the Irish government—will therefore be retained as an imperial service, and the product of all Irish taxes collected by the Imperial government will be paid into the Imperial Treasury. The Imperial Treasury will in turn transfer to the Irish Exchequer—for there is to be a separate Irish Exchequer—a sum representing what it costs the United Kingdom Exchequer to defray Irish services, exclusive of the reserved services, at the time of the passing of the Government of Ireland Bill into law. This sum, known as the Transferred Sum, will be determined by a body to be appointed and called the Joint Exchequer Board, consisting of five persons, of whom two will be named by the Imperial Treasury, two by the Irish Treasury, and the fifth, who will be the chairman, by the King, that is, by the British Cabinet. To the sum so ascertained by the Joint Exchequer Board will be added the Irish Postal Revenue. To these two items will be added, from the Imperial Treasury, by way of surplus, the sum of £500,000, which will continue for three years, when it will be reduced by £50,000, and so each year until it comes down to £200,000, at which figure it will be maintained. From the three items here specified will be derived the revenue which the Irish Parliament will have available to carry on the government of Ireland. Subject to the automatic variation in the surplus during the period between the fourth and the ninth years and to certain minor variations specified in the Bill, and subject also to any changes consequent upon the exercise by the Irish Parliament of its powers to increase or reduce tax-

ation, the Transferred Sum fixed in the first year after the passing of the Bill will remain a constant quantity until the total revenue derived from Ireland exceeds the total expenditure on all Irish purposes. When that stage is reached and has continued for three successive years, steps will be taken by the Joint Exchequer Board to bring about a revision of the financial arrangements. In such revision details will be dealt with as they will in the meantime have arisen; but the two guiding principles of any re-arrangement of finances will be (1) that Ireland shall make an equitable contribution to the common expenses of the United Kingdom; and (2) that the control and collection of such taxes as may be advisable shall be transferred to the Irish Parliament and Government.

For the present, however, the levying of taxes for the whole United Kingdom, including Ireland, will remain vested in the first instance in the Imperial Parliament; but, once it has acted in the matter, extensive powers of varying or abolishing the taxes it has fixed for Ireland, and of imposing new taxes, are conferred on the Irish Parliament. The principal reason for giving the initiative power to the Imperial Parliament appears to be to secure that no articles shall be liable to Customs duties in Ireland which are not also liable to Customs duties in Great Britain. Subject to this right of initiative on the part of the Imperial Parliament, the Irish Parliament shall have the following financial powers:—

1. It may add to the rates of Excise duties, Customs duties on beer and spirits, Stamp duties (with certain exceptions), Land Taxes, or Miscellaneous Taxes, imposed by the Imperial Parliament;

2. It may add—to an extent not exceeding 10 per cent.—to the Income Tax, Death duties, or Customs duties (other than the duties on beer and spirits), imposed by the Imperial Parliament;

3. It may levy any new taxes other than new Customs duties;

4. It may reduce or repeal any tax levied by the Imperial Parliament on Ireland, with the exception of certain Stamp

duties, which for business reasons it is desirable to keep at a uniform rate for all portions of the United Kingdom.

The Transferred Sum will be increased by such an amount as the Joint Exchequer Board may determine to be the produce of increased or new taxation levied by the Irish Parliament. On the other hand, the Transferred Sum will be similarly reduced by an amount corresponding to the loss of revenue due to the reduction or repeal of a tax imposed by the Imperial Parliament. The Irish Exchequer will therefore gain or lose by any increase or decrease in taxation enacted by the Irish Parliament, while the net revenue of the Imperial Exchequer will remain unaffected by such changes.

These, I think, are the principal provisions that seem to call for comment.

I have described the Bill as an experiment in constitution making. Like every other such experiment on a grand scale, it has been extravagantly praised on the one hand and fiercely attacked on the other. No legislation proposed in recent years has more thoroughly fanned party feeling to a white heat glow. It has stirred up primal passions in the breasts of even professional politicians. It has upset the wonted British respect for the decencies and decorum of debate, and insults, hot and bitter, have been freely bandied between the front benches in the House of Commons.

Those who can see nothing good in the Bill and who are opposed to it root and branch are the members of the Unionist party in Great Britain as well as in Ireland. They are traditionally opposed to it, for their very name is derived from their determination to maintain the existing legislative union between the two countries. They condemn the Bill as a whole and in all its parts. They claim that it means the disruption of the empire, and some of them have professed their resolve to take up arms, if necessary, to resist it. The attitude of a certain section of Ulster seems specially threatening; but there is considerable misunderstanding on this point. I find that

there prevails a general, but, as it seems to me, a wholly unwarranted, impression that Ulster is solidly opposed to Home Rule. That impression is due in part to settled convictions which date from olden times, and have never been satisfactorily dislodged; it is due in greater part still to recent announcements in the newspapers. A great demonstration in force was planned against Home Rule; a special day, September 28th last, was set aside and called Ulster Day; and on that day a solemn league and covenant was made and is now being sent around for signatures. The wording of this Ulster Covenant is certainly impressive. It runs thus:—

“Being convinced in our conscience that Home Rule would be disastrous to the material well-being of Ulster as well as to the whole of Ireland, subversive of our civil and religious freedom, destructive of our citizenship, and perilous to the unity of the Empire, we, whose names are underwritten, men of Ulster, loyal subjects of his Gracious Majesty, King George V., humbly relying on the God whom our fathers in days of strife and trial confidently trusted, do hereby pledge ourselves in solemn covenant throughout this our time of threatened calamity to stand by one another in defending ourselves and our children, and our cherished position of equal citizenship in the United Kingdom, and in using all the means which may be found necessary to defeat the present conspiracy to set up a Home Rule Parliament in Ireland; and in the event of such a Parliament being forced upon us, we further solemnly and mutually pledge ourselves to refuse to recognise its authority, in sure confidence that God will defend the right.

“We hereby subscribe our names, and further we individually declare that we have not already signed the Covenant.”

It is perhaps not surprising that any one reading that document, without being acquainted with the facts, should conclude that all Ulster is irrevocably pledged to resist Home Rule to the last—to resist it, if need be, by resorting to rebellion and the dread arbitrament of war. Now, what are the facts? The men of the nine counties of Ulster send 33 members to represent them in the British Parliament. Of the 33, 16 are Home Rulers, so that Ulster, so far from being solidly one way, would seem to be fairly evenly divided on the question. But, if we come to examine the details, what do we find?

Donegal is represented by four Home Rulers and no Unionist; Monaghan by two Home Rulers and no Unionist; Cavan by two Home Rulers and no Unionist; Tyrone by three Home Rulers and one Unionist; Fermanagh by one Home Ruler and one Unionist. Therefore five Ulster counties are represented in Parliament by twelve Home Rulers out of fourteen members: five out of nine Ulster counties are overwhelmingly for Home Rule. The opposition to it then is mainly confined to the four counties which compose the North-East corner of Ulster, Londonderry, Antrim, Down, and Armagh. Here undoubtedly the Unionist sentiment is strong, but even here it is not entirely unleavened, for of the 19 borough and county members four are Home Rulers. Belfast itself, the headquarters of Irish Unionism, sends to Parliament one Home Rule member out of four representatives. As a matter of fact, there is a powerful Home Rule sentiment in Belfast. On the very morning of "Ulster Day" there appeared in the *Freeman's Journal* of Dublin a list of Belfast subscribers to the Home Rule Fund. The amount was £1,189, more than double the amount contributed in any previous year, and the list of subscribers filled one whole page of eight columns of the *Freeman* and went over into three more columns on the next page. The letter of the Treasurer of the Belfast Home Rule Fund covering the cheque contained the following striking passages:—

"We send you this cheque and a list of subscribers' names representative of every class and rank and creed amongst the Home Rulers of the North at the moment when the forces of bigotry, ascendancy, and reaction are making their last desperate effort to stem the progress of the tide of National Democracy in Ulster. While the Unionists of Belfast are freely expending the subsidies granted from English Tory funds for the promotion of strife, disorder, and verbal treason in the North of Ireland, the Nationalists of your own city are sending to the Home Rule war chest by far the largest amount ever subscribed for National purposes by any community north of the Boyne. The contrast will carry its own lesson to the mind of every man not blinded by bigotry, malice, and self-interest."

I think I have made it sufficiently plain that Ulster is very far indeed from being a unit against Home Rule. The ques-

tion then is: Can one small section of the country set itself successfully against the remainder of Ireland, and, in the last resort, against the armed might of England? No; Ulster will *not* fight, and Ulster will be right.

In addition to the Unionist politicians, certain Church bodies have also gone on record against the Home Rule Bill. Others who, on very different grounds, condemn it, are those extreme Irish nationalists, represented mainly by the Sinn Fein party, who think the Bill does not go far enough in the satisfaction of Irish aspirations. They object in particular to the veto, to the general supremacy of the Imperial Parliament, and to the financial arrangements. Above all they are angered by the reservation—temporary though it is likely to prove—of the collection of Irish taxes to the Imperial parliament, and by the absence of the full control of Irish Customs duties by the Irish parliament.

On the other hand the two sections of the Liberal party in the House of Commons—the labour members as well as the regular liberals—are enthusiastic in support of the measure; Mr. Redmond and his party of 74 are as a unit in its favour; and even the little knot of Nationalist members, some ten in number, who follow the leadership of Mr. William O'Brien, have accepted it, if with some slight demur. Finally, a representative National Convention, of about 8,000 delegates, held in Dublin on April 23rd, gave it an unqualified benediction. The resolution there adopted without one dissentient voice leaves nothing to be desired in wholeheartedness. It was resolved:—

“That we welcome the Government of Ireland Bill as an honest and generous attempt to settle the long and disastrous quarrel between the British and Irish Nations; and this National Convention of the Irish people decides to accept the Bill in the spirit in which it is offered; and we hereby declare our solemn conviction that the passage of this Bill into law will bind the people of Ireland to the people of Great Britain by a union infinitely closer than that which now exists and by so doing add immeasurably to the strength of the Empire.”

The wording of that resolution makes it patent that a new

spirit has come into Ireland. The confidence reposed in the Nationalist party and its leaders is proved by the fact that the Convention gave Mr. Redmond *carte blanche* as to amendments to be moved in Committee.

There is no doubt that the Bill, while not perfect, is an honest and well-meant attempt to right admitted wrongs, and to set at rest the disputes and bickerings that the Union of 1800 has brought in its train. It will confer on Ireland in regard to Irish concerns a real autonomy. I have no other opinion than that, when it gets into full working order, it will prove of inestimable advantage to Ireland and through Ireland to the British Empire. Many things in it appeal to me; but the feature which I like best perhaps is that, for the first time in the history of the English occupation of Ireland, the Irish Ministerial Executive will be responsible to the Irish parliament and be dependent on its confidence. That this responsibility and this dependence did not exist even in Grattan's parliament was one of that body's fatal flaws, as I have elsewhere frequently pointed out. I believe, too, that that section of Ulster which now stands sullenly and petulantly aloof will, when the time comes, take an active, an intelligent, and an honourable part in making the Irish Parliament a success.

To my mind the great practical question is: Will the Bill pass? I believe it will, and that more quickly than most people seem to anticipate.

The Home Rule Bill does not repeal the Act of Union, and does not restore Grattan's Parliament, and is therefore very far from realising our youthful dreams. Neither will it bring the millennium to Ireland; but, as I have already said in *The North American Review*, "there can scarcely be a doubt that, coming in the train of beneficent legislation on the tenure of land, on labour, and on agricultural, scientific, and University education, it will tend to promote the peace, prosperity, and happiness of the Irish people."

P. J. LENNOX.

CATHOLIC UNIVERSITY OF AMERICA,
WASHINGTON, D. C.

THE NATIONAL CONFERENCE OF CATHOLIC CHARITIES.

Our Catholic charities in the United States are massive and varied. Their work is done with great devotedness and dislike of publicity. Charity appears, reverent and fruitful, wherever Catholic social consciousness comes to collective expression. The average parish has a sense of responsibility toward its poor. Practically all of the more important cities have general Catholic organizations which look after city problems as they concern us. The great majority of dioceses have a fairly wide range of institutions making provision for those forms of helplessness and need to which the Church as such has always given care. Aside from these local or geographical divisions among our charities, we find religious communities of men and of women under a central government with branches established widely over the United States engaged in relief work. There are few forms of helplessness which are not ministered to in one way or another by these silent champions of the poor. In addition, our fraternal organizations undertake a vast amount of relief work, notably by assisting charity organizations and by ministering directly to their own members or their families who may come to need. We Catholics ourselves possibly underrate the extent, the efficiency, and the consecration of our charities. This is due to no lack of good will, but rather to the fact that our charities as a whole are not symbolized in any way that appeals to our imagination. In addition, occasions are lacking which might bring them together in such numbers as to impress us by their magnitude alone. Moreover, they persist in not making themselves known. Unless they make themselves known, how shall the world understand them?

And yet there is much to be desired in the condition of these charities. Magnificent as they are, they are inadequate to the

work which is to be done. We lack means, we lack lay workers, and our religious communities constantly complain of lack of vocations to the religious life. Out of forty cities which reported to the National Conference of Catholic Charities in 1910, on general conditions, twenty-one intimated that equipment was inadequate from the standpoint of numbers, of means, and of works of particular kinds. Thirteen cities reported that membership in the lay charity organizations was not sufficiently representative of the prosperous classes.

We need literature. There is lack of literature of investigation which will take up, analyze and present the peculiar problems in relief which confront the Catholic Church as distinct from the general relief problems which confront the nation. There is lack of a detailed and objective literature of interpretation which will explain poverty and its processes as these appear to the supernatural point of view. Since no explanation of poverty can depart very far from Christian philosophy, it is a matter of some concern to us that the current interpretations of poverty are sociological rather than Christian. There is need of a more elaborate literature of direction which will take up the complicated and unnumbered tasks of relief and show us the best methods of performing them. Only when the experience and judgment of our best workers are placed at the disposal of all, can we hope to attain to ideal efficiency. A literature alone can accomplish this. We have a fairly adequate literature of inspiration which presents the doctrine of Christian charity and explains the motives under which it operates.¹

We should foster the habit of using the general literature of relief much more widely and earnestly than appears to be the case. The very highest types of mind are turning themselves to the study of poverty. Brilliant investigations, subtle and convincing interpretations of the facts and processes of poverty and an elaborate literature of direction have resulted from the attention that the modern mind is giving to this

¹ See the *Catholic World*, October, 1912, "The Literature of Relief."

field of study. While there is much in it that will not please us, there are splendid results to be expected when we approach this literature in the right spirit and under proper safeguards.

There is need in our Catholic charities of more systematic coördination and coöperation among them. Of the cities reporting to the National Conference of Catholic Charities in 1910, twelve stated that coöperation among Catholic charities was unsatisfactory. We need a clearly defined policy to govern us in our dealings with outside charities whether voluntary or civic. Of the cities reporting on this phase of coöperation two years ago, twenty-one stated that coöperation with outside charities is, to an extent, satisfactory. Six cities reported that there is practically no coöperation. Even where coöperation is said to be satisfactory, it is at times incomplete and possibly ineffective.

Our charities appear to need a wider view of their problems than they seem to take. The tremendous emphasis now placed on preventive work as distinct from relief is on the whole, justified. The causes that add to the ranks of poverty work unceasingly. We must anticipate their action and prevent poverty when and where possible. Now it seems natural that the insistent demand for legislation and for administrative action in favor of the poor should come from those who are working for the poor. Hence, the average charity organization should take an interest in all social measures which bear directly on the lot of the poor, otherwise their work is half in vain or incomplete. Now, while individual Catholics, according to the reports to the Conference in 1910, are fairly active in their interest in improving social conditions, twenty-two cities reported that Catholic charity organizations, as such, had not been taking part in these larger social movements. Can such reports mean that to a great extent, our organizations have not been working as organizations to promote child labor legislation, to combat loan sharks, to improve housing conditions, to eliminate disease, to solve the problem of the liquor traffic, to advance the interests of compensation laws? Isolated cases of coöperation occurred in some cities which gave a general negative

answer, but the inference that one is inclined to draw from the report as a whole, is that our Catholic charity organizations might increase their usefulness in the whole movement against poverty by taking a more active part in this larger social work.

The limitations referred to here are not mentioned in order to find fault. On the contrary, they are mentioned to point the lines along which the best promise of our immediate development seems to lie. We are familiar with the saying of the old philosophers that one must live before one can write philosophy. Similarly, the poor must be fed and clothed and sheltered, their immediate, concrete, particular and individual wants must be satisfied before we can do much in the line of social philosophy and reform. Now, the amount of relief to be given, the extraordinary devotedness of those who administer it and the immediate specific needs of our poor have largely absorbed our resources and have left little time, little leisure and little means to engage in the larger work of social reform. Fortunately, things are brighter in this regard and it is fair to hope that our charities will year by year identify themselves more vigorously than ever before with this larger social preventive work, as in fact, leading individual Catholics now do.

Another need in our charities is related to the foregoing. In taking hold of any problem it is necessary that charity organizations understand the relations of the various associations which are interested. Now, labor unions, city government, states, citizen' associations, churches, nationalities, universities, schools of philanthropy, journalists and social philosophers of all kinds, are working earnestly in the field of relief. It seems necessary, therefore, that everyone of these organizations should understand thoroughly the resources, and attitudes of all others and also the relations into which all must enter reciprocally in order to accomplish the adequate results in the work of relief. It was a discovery for many, for example, to learn at the meeting of the National Conference of Charities and Correction last June, that the Labor Union can coöperate most efficiently in cases of wife-desertion which throws the deserter's family upon our charities.

A review made somewhat in the form of the foregoing, led to the creation of the National Conference of Catholic Charities in February, 1910. The aims adopted at that time and since maintained in the constitution, are as follows:

1. To bring about exchange of views among experienced Catholic men and women who are active in the work of charity.
2. To collect and publish information concerning organization, problems and results in Catholic charity.
3. To bring to expression a general policy toward distinctive modern questions in relief and prevention and towards methods and tendencies in them.
4. To encourage further development of a literature in which the religious and social ideals of charity shall find dignified expression.

A description of the method in which the Conference works, will enable one to see that it has laid out very practical tasks for itself and that it aims to direct its activities toward meeting the most pressing needs of our charities in a very concrete way.

II.

This year's meeting of the National Conference took place at the Catholic University, September 22, 23, 24 and 25. Three hundred and fifty delegates, representing twenty-seven states or fifty-two cities, were present. Physicians, attorneys, judges, bankers, merchants, clergymen, men and women of wide experience in fields of civic as well as of Catholic charity, and representatives of religious communities of men, were found in goodly numbers among those in attendance. Twenty-six Catholic women's organizations and in particular the St. Vincent de Paul Society, embracing over 10,000 men in the United States, were well represented. Many Catholics interested in relief work but not actively identified with any particular organization were present, since the constitution of the Conference appeals to individual Catholics as well as representatives of organizations.

In spite of extremely inclement weather, the sessions were uniformly well attended and the discussions were frank and thorough-going. Approximately fifty papers were presented. A number of them, treating fundamental principles in relief or fundamental aspects of the work were read at general meetings of the Conference without discussion. The majority of papers, however dealing with everyday questions of relief, were presented at Section Meetings. Here, discussion was invited, and the invitation was heeded. The enthusiasm and industry of the delegates continued unabated from beginning to end.

Much of the work of preparation for the Biennial Meeting is done by Committees, varying in membership from fifteen to twenty-five. Each of these is under a Chairman and one or more Vice-Chairmen. We had this year, Committees on Needy Families, Dependent Children, Delinquent Children, and Dependent Sick. The work of the 1914 Conference will be organized under Committees on Needy Families, Children, Sick and Defectives, Social and Civic Activities.

When the work of preparation is entered upon, the Chairman of each committee proceeds to get in touch with all of the members through correspondence. They are asked to describe in some detail, conditions and problems in their neighborhoods. Since membership in the Committees is scattered widely throughout the United States, the Chairman obtains through this correspondence a fairly representative view of that field with which his Committee is concerned. The reports from members are intended to describe local conditions, to make suggestions as to local needs and as to men and women who may be well qualified to prepare papers for the Conference. The suggestions as to writers include not only Catholics actively engaged in the field of charities but as well our representative men and women who may be won over to coöperate in relief work through an invitation of this kind. After all of the members of the Committee have reported to the Chairman, he proceeds to study the situation and he draws up his tentative program. All of the Chairmen send their outline to the office of the Conference where the topics are adjusted in order to bring out

unity and helpfulness in the general program and so to distribute the appointments that all sections of the country may be represented.

The following advantages are to be noted as a result of this arrangement. First, the program is made really representative of actual conditions and needs. Secondly, one hundred men and women active in Catholic charities are set to work studying local conditions, summing up their own experience, formulating a judgment and writing out a report. When this work is done conscientiously, it inevitably increases the efficiency, widens the views and strengthens the impulse to service in everyone of the hundred men and women concerned. This is undoubtedly a very important service to the cause of Catholic charity, particularly since a large majority of those in question have not the habit of working out their views in this form. Third, forty to fifty of our representative Catholics are selected to prepare papers. This means that they are forced to consult others, to enter into correspondence with Catholic leaders in other cities, to visit libraries, to read pertinent literature, to reach conclusions after systematic reading and observation and to express those conclusions with due regard to literary standards. The educational value of this experience for the writers of papers is not to be overlooked. We have here well defined beginnings of a taste for publication and training toward it. This contains the promise of literature of the precise kind of which we have in these days, marked need. One of those who prepared a paper for this year's Conference, remarked that the work of preparation had been worth more than a year in college. Preparation for the Conference, therefore, greatly encourages the use of the literature of relief, encourages the production of it, and knits together in friendly intercourse, our Catholic men and women who are at work in fields far removed from one another.

The program itself has a certain value inasmuch as it presents problems in charity in their relation to one another. The organization which confines itself strictly to its own field tends

gradually to become narrow and to see things in false relations. The habit of comparison, of looking widely around a problem broadens views and strengthens judgment. Hence it is that the program is frequently a revelation because it brings to notice the wider bearings of problems that may have been looked upon by one or another as isolated and relatively easy of solution. Thus, for instance, in this year's program an endeavor was made to emphasize relations between state policies and private charities, between city administration and the environment of the poor, between the parochial school and the relief organization. The whole process of widening views, of strengthening insight and of correcting judgment seems to be assisted directly by the very nature of the program of the Conference as a whole. These advantages endure through the publication of the Reports of the Conference Meetings in printed form.

III.

The service of the Conference in correcting views should not be overlooked. The Conference creates an atmosphere. From beginning to end the spiritual note is dominant, and spiritual values in poverty and relief are asserted with relative unanimity. The Conference is in fact an experience in faith for those who take part in it. They trace their impulse back in unbroken continuity to the command of Christ and they look upon charity itself, let it be said with entire reverence, as the flowering of the Incarnation. Hence, it is that so many of the delegates speak with such enthusiasm of the revelation that the Conference makes them, of the depth and power of inspiration that they derive from the mere fact of being present. One of the delegates to the recent Conference remarked during a discussion of organization: "When our representative Catholics come here and exchange views, and get into intimate association I cannot but feel that I am in touch with the fountainhead of Catholic charity during the time that I am here. I meet leaders about whom I have heard or whose writings I have read, men and women of whom I have known

only the name. I meet them here, I find something about them that is more than the mere reading of what they have written. I see them. I get an insight into their personality. I get in touch with what is going on, with the fervor and zeal of our leaders and then I return home inspired to work with renewed vim and energy until I may come back in two years to find again the inspiration that I need."

Now, there are two tendencies in our charities. On the one hand, there are those Catholics who have no systematic, personal contact with their own charities. They are in contact with philanthropic work, with civic charities or even with schools of philanthropy. They may serve on state boards of charity or in municipal relief work. They may be professional men dominated largely by professional views. At any rate, there are many Catholic men and women who are interested in relief work but who are deprived of a Catholic atmosphere through which to view it. It is not surprising to find sometimes that the subtle understanding of the spiritual character of charity is lost in these circumstances and that one is led unconsciously into false judgments concerning many problems and into a mistaken appreciation of arguments on certain delicate questions. On the other hand, there is another type that is narrow and local. It is represented by the Catholic who works exclusively in a Catholic field and refuses to know or understand or make any form of compromise with situations or movements that are foreign to his own. Now, of course, these extreme types naturally avoid each other or disagree on everything when they meet. It is the beautiful work of the Conference atmosphere to draw these two types nearer to each other in the joy of spiritual unity and in the insinuated assurance that neither is right and that a third position must be found if they would love and serve the poor with unselfish zeal and reasonable efficiency. The atmosphere of the Conference acts gently but with a certain compulsion in this direction. It brings the too progressive who are not in contact with Catholic charity, nearer to the shelter of the distinctive Catholic spirit. It brings the unyielding conservative a little closer in sympathy

and acknowledgment to those who have discovered the middle way and are following it. In this process, impressions take on a different light and certain arguments are discovered to have less force than was imagined. New bearings of questions are viewed in the light of Catholic philosophy, Catholic traditions, and I might say, Catholic wisdom. In this way, much is done to correct extreme views and build up a policy quite in keeping with orthodoxy as well as with progress. In fact, the Conference serves as a sort of a retreat where mental attitudes may come for self-examination and for renewal at the fountain of strength and truth.

In order to make this point a little more clear a number of questions are indicated in the judgment of which the two tendencies referred to, assert themselves, and in the final solution of which the Conference promises to have a helpful part. Shall we keep records or card catalogues and shall we exchange information among our own organizations and with outside charities? Shall we develop professional charity workers and pay them salary? Shall we spend money for administrative purposes or shall we insist that no money be so expended? Shall we coöperate with non-Catholic, secular and civic charities or shall we hold aloof? Shall we give credit for the honest purpose and noble impulse of philanthropy that ignores the supernatural? Shall we resent or shall we encourage state supervision of private charities and such state institutions as the new Federal Children's Bureau? Shall we favor or shall we oppose the granting of public money to private institutions? Shall we write and speak in public concerning our charity, our methods, our efficiency or shall we work silently and refuse to acquaint the world with our results, contenting ourselves with the thought that God knows and judges and that is sufficient? Shall we test the efficacy of our methods and admit bravely our mistakes when we make them, or shall we leave it to our critics to proclaim our mistakes? Shall we more and more insist on testing efficiency by results or shall we be content with purity of motive? Is our full duty toward the poor done when we have fed, clothed,

housed and visited them or does the spirit of charity as we may imagine it in the mind of Christ, require of us that we coöperate to the utmost of our power in the social work which prevents poverty? Shall we say that those who work for the establishment of a Juvenile Court or the passage of factory laws or for laws to protect women and children, are as noble, as high-minded as those who visit the poor and bring them relief?

On questions of this sort we find two general tendencies among our ranks. It will, undoubtedly, be the work of the Conference to lead toward general unanimity in answering these questions. And in our answers to them there is no doubt that while we hold unyieldingly to everything that is strong and permanent and Catholic in our work, we shall at the same time not fail to take account of everything in modern relief, in modern knowledge and in the practice of healthy compromise which will increase our efficiency, promote harmony among our works for the poor and hasten the day of social justice for them. Catholic ideas require a Catholic atmosphere just as American ideas require an American atmosphere. The Conference offers the atmosphere in and through which we may hope to reach the practical conclusions by which all border questions and all new situations will be met.

IV.

One should not overlook the value of the Conference in promoting conversation and discussion. It brings together three or four hundred of our leaders. They are animated by one purpose. They have a varied range of experience and interests in charity. From early morning until late at night, conversation goes on without end. Those interested in like problems manage to discover one another very early and they seize every occasion to exchange views, compare results and propose questions. In this manner, new works are heard of, new methods are described, comparisons are made, illusions are dispelled, incorrect interpretations are modified. There is no way of keeping record of the amount of good that is accomplished

by the Conference simply through the opportunity for conversation offered to these specialists in their own lines. In a similar way, the discussions in the Section Meetings stimulate thought, suggest views and limitations of views and tend to set true valuations forward in views and in work. Here we have leader matched against leader, experience against experience, and view against view. The narrowness of a locality loses some of its self-confidence in the presence of the range of views and experience brought out in an average discussion. Furthermore, the fundamental papers exposing principles or general phases of relief work, convey a vast amount of information which the members of the Conference absorb in varying degrees as they may have capacity or need for it. On the whole, it may be said that through the conversation, the discussion and the exposition which fill out the time of the Conference, there is a general promotion of efficiency with a general uplifting of the whole tone of our leaders which promises the happiest possible result in our Catholic charities as a whole.

The National Conference appears to stimulate new works in different localities. Whether the Conference itself formally acts in that way or whether the Conference simply creates the occasion out of which these good works result, is of no consequence. I may point out, for instance, without for a moment claiming credit for the Conference, the following as some of the evidences of stimulated activity in the Catholic charities since the Conference was created: The establishment of a Diocesan Conference in Pittsburgh and of City Conferences of Catholic Charities in St. Louis and Chicago; the inauguration of courses of lectures on problems in the field of charity in the parish schools to be conducted under the direction of the Pastors; the efficient organization of the work of Protection of Young Girls in four of our larger cities in the United States; the compilation of a National Directory of the Catholic Charities of the United States; the beginning of a Library on Charities by the Catholic Woman's League of Chicago; greatly increased efficiency in a definite number of organizations identified with the Conference; the proposal to hold State Conferences of Catholic Charities in

alternate years between the biennial meetings of the National Conference at Washington: the creation of the National Federation of Catholic Women's Charities.

V.

One word might be said in conclusion as to the representative character of the National Conference. It has received most encouraging approval from the hierarchy in the United States, from two Apostolic Delegates, and from the Holy Father. A goodly number of members of the hierarchy are found in the subscribing membership of the Conference. A large number of religious communities of men and of women have expressed most cordial approval of the aims and methods of the Conference and have formally become members. One of the problems of organization which remains to be worked out, however, is that of devising the most effective manner of coöperation between the National Conference itself and the Sisterhoods which do so much work in the field of relief, but are in the nature of things hindered from actual attendance at the sessions of the Conference. The Conference will, of course, not be thoroughly representative until the experience and judgment found in our religious communities come to expression in some manner in the Conference. The great body of American Catholics engaged in relief work earnestly desire to get into closer touch with the communities which work with such silent self-sacrifice for the poor. Those engaged in building up the Conference and maintaining it, feel encouraged by the sympathy and coöperation already achieved. Not, however, until the National Conference of Catholic Charities becomes entirely representative of the great interests of the Catholic charities of the United States both lay and religious will their reasonable ambition be satisfied or will they count that their labors have been adequately rewarded.

The St. Vincent de Paul Society prepared the field in which the National Conference is working. It has been the single national representative of lay Catholic Charities in the United

States. It developed organization, leadership and literature which have accomplished splendid things. Much of the feeling of assurance and many of the hopes of the National Conference rest on the sympathy and encouragement of the St. Vincent de Paul Society. The National Federation of Catholic Women's Charities is, in fact, the creation of the National Conference itself. In these two directions the Conference is fully representative. When it succeeds in representing satisfactorily, our religious charities, it will be a worthy addition to the organization and activity of the Church in the United States.

WILLIAM J. KERBY.

JUSTINIAN AND CHARLEMAGNE.¹

It is not my purpose in speaking of Justinian and Charlemagne to undertake any elaborate comparison of their characters or any extended analysis of their achievements, but rather to view them as instruments by which two different tendencies in mediæval thought and policies found concrete expression.

Mediæval life and civilization may be said to have begun in the year 313 when Constantine and his colleague Licinius published at Milan the "Edict of Toleration" by which the Christians were granted the right to worship God according to the dictates of their own consciences. This decree, inasmuch as it admitted a principle diametrically opposed to all previously accepted theories of society and the state, formally and definitely brought to a close the system of civilization which had prevailed in pagan antiquity. Whether we consider the great Oriental theocracies, the city-states of Greece, or the Empire of Rome, all forms of ancient civilization were characterized by two general features and based on two identical principles. In the first place all these states were theocratic in character, the principle of unity in them being the worship of some particular god or gods, patriotism and the worship of the national deities being synonymous. Closely connected with this was the other principle of state absolutism, or the subjection of the citizen to the absolute control of the state. Professor Willoughby, summing up this latter characteristic, says: "The individual was in many respects more completely subordinated to the control of the state in the Hellenic world, than were the subjects of the Asiatic monarchies, but while the Oriental in his subjection to the law and to the state viewed his subordination as an obedience rendered to an alien

¹ A Lecture delivered in the Fall Course of Public Lectures in MacMahon Hall, Catholic University, October 24.

and external power, the Greek saw in it but the yielding to a higher self, a giving up of his will to a will in the formation of which he participated." Stated in other terms the civilizations of antiquity were theocratic and collectivist. In contradistinction to the form of civilization implied in these principles, the action of Constantine introduced a reform by which religion was freed from state control and by which a definite barrier was raised limiting the authority of the state over the individual. In other words liberty and individualism superseded despotism and collectivism.

It is true that the decree of Constantine merely granted to the Christians the right to worship God as they saw fit; but this was a complete abdication of the theocratic and absolutist basis of the older civilization. It was a concession resulting from the struggle of three centuries in support of the Christian contention that each man is responsible to God for his own salvation. This individualist doctrine included as necessary corollaries the other principles which the Christians had already commenced to put into practice, namely the equality of all men before God and the solidarity of the entire race because of the law of Christian charity. Though essentially religious in character, these doctrines in practice necessarily tended towards certain radical social and political reforms. Thus the doctrine that each man is responsible for his own salvation necessarily implied liberty of conscience, equality before God tended naturally to bring about social equality and to remove slavery and its evils, and the mutual duties and obligations arising from the observance of the law of charity would make impossible poverty or evils of an economic character as far as these could be remedied.

The Christian Church had been the champion of these rights, it was because of the courage and devotion with which these ideals had been pursued through three centuries of persecution, that the first step towards their realization had been attained, and very naturally she became their custodian and defender. Thus did the ancient world pass away, and thus did the mediæval world come into existence. Certain rights were de-

clared to be normal and inherent in human nature and independent of all state control or interference. They were not derived from and were superior to social or political grouping and might be exercised without prejudice to racial or political affiliations. A new confederation was established among men which paid no regard to divisions of race or nationality, and which found its basis in the common nature, the common origin, and the common destiny of all men through the Redemptive sacrifice of Christ. This confederation was known as the Church. Its mission had been clearly defined by its Founder, and side by side with the state, it took its place in human affairs to promote human welfare. The mediæval world thus differed from the ancient in having two institutions with clearly defined purposes and independent spheres of action, busying themselves with matters which had previously fallen exclusively to the lot of the state. The purpose of the Church was to promote the spiritual, that of the state the temporal well-being of man, but the doctrines of religion affected conduct so completely, that its activities came into contact with those of the state at all points.

The problem of the Middle Ages, therefore, was to decide what were to be the relations of Church and state, and the history of the Middle Ages is largely a record of the various attempts to settle that problem. The question was, how was the state with its history and limitations, its powers and its fixed position in law, tradition and existing institutions, to be adjusted to a concept of human nature, and human relations which placed so much of human activity beyond its competence and control. It is no exaggeration to say that this question forms the burden of mediæval political thought and discussion, and that with it are intimately bound up mediæval progress and civilization. Few great ecclesiastics and no ruler in Christendom escaped being drawn into the controversies which it aroused. The question is of perennial interest. Its mediæval phase in its political bearing was another form of the ever-recurring problem, shall society be organized on a collectivist basis, and shall it absorb all individual activities and liberties,

or shall social control be limited. To look on mediæval history as a series of squabbles between Popes and Emperors is to miss entirely its true character, and to lose sight of the forces which made it possible for ecclesiastics to prolong the struggle with civil rulers. It was because the Church represented individual rights, and barred the way to the complete control of the state over its citizens, that it could always count on the support of the majority who would not surrender even to their own national leaders, rights which would make life under these rulers intolerable, and by a strange paradox it is precisely in the countries where the spirit of liberty showed itself most strongly that we find the largest measure of subjection to ecclesiastical control.

State and Church, therefore, was the question of paramount importance for the mediæval ruler and statesman. Two main lines of policy were followed, one in the East and one in the West. Two solutions were offered from the difference in which arose, in large measure, the different development and progress in civil and ecclesiastical affairs in the Eastern and Western sections of Christendom. The men to whom these different lines of policy must be mainly attributed are Justinian and Charlemagne.

There is much that is similar in the lives of these two great conquerors and rulers. The problems which they were called on to deal with and the conditions which confronted them were much alike. Both were reorganisers, the work of both was lasting and its influence felt in later times. The reign of Justinian in the East and that of Charlemagne in the West may be considered as definitely terminating in those localities the period of anarchy and disorder inaugurated by the Teutonic invasions. Because of the warlike genius and administrative fitness of these two men the uncertainty as to what form of civilization would arise in the ruins caused by the Germans ceased. At widely different periods Justinian and Charlemagne caught up and restored what was left of organisation, of law and of civilization, and by sound administrative measures imposed them on people whom they had unified by the

sword and thus inaugurated new periods in the civilization of the East and the West.

Though an interval of two centuries separated Justinian and Charlemagne the same causes which gave one power and prestige in the Orient made the other master of the West. Both were called to repair the havoc caused by the successive floods of barbarian invasion which had penetrated the rich and well-organised provinces of the Roman Empire. A thousand years of conquest and triumph had made Rome mistress of the peoples of three continents: but she in turn was made to feel the sorrow and humiliation of pillage and defeat. The Goth, the Vandal, the Frank, the Burgundian, and the Hun had overrun the fertile fields and captured the fair cities of the Roman. Those who had been masters of the world were parcelled out as serfs among their conquerors, and compelled to do the work and obey the will of the uncultivated children of the forests and the fens. The rich hoards of gold and jewels, the treasures of art, the arms, the homes, and the temples which had been the glory of Rome were now the possession of men who could neither understand their use nor appreciate their beauty. The work of a thousand years had been undone in less than a century, and the civilization to which all the nations of antiquity had contributed was on the verge of extinction. The work of destruction is always rapid. The fifth century saw Rome crumble away and new masters install themselves in Gaul, Spain, Italy and Africa. No portion of the Empire had been free from the terrors and the horrors of war and pillage, but even in Rome with all her resources the work of destruction could not last indefinitely. After a century of disorder there came the slow work of reorganisation. This work went on more rapidly in the Orient than in the West. There the imperial administration though shorn of most of its power continued unbroken, and there it was that Justinian found his opportunity.

No better proof of the extent to which society had been moved to its profoundest depths during these years of disorder can be found than in the manner in which Justinian

was forced up from the obscurity of a peasant's hut in Macedonia to the throne of the Cæsars. His advancement was due to the influence of his uncle Justin, a true soldier of fortune, who as a youth exchanged all he possessed for a wallet of dry-bread to enable him to reach a Roman recruiting station. In the army he advanced rapidly and being childless he adopted his sister's son, Justinian, whom he provided with an education and for whom he found a place in the imperial civil service. The stout old soldier was rewarded, for when he became Emperor he found in Justinian just the man whom he stood in need of. For nine years Justinian served him faithfully, and unobtrusively relieved him of many of the details of administration with which he was incapable of dealing. In those years Justinian gained the experience which later on stood him in better stead than high lineage or martial renown.

No one has succeeded in drawing a satisfactory portrait of Justinian. Most writers on his life and reign are content to set aside the strictures of his contemporaries and his critics, and to say the man can best be judged by viewing him in connection with the work he accomplished. This is a fair though an inadequate test. A comparison of the world in 565 when he died, with what it was when he ascended the throne in 527, will show a measure of achievement which offers few, if any equals in history. The achievements of Justinian extend to practically all fields of human activity. The historians of religion, of education, of philosophy, of art, of architecture, of politics, will all find in his reign some act or occurrence which stands as a landmark in all these different fields of effort. Not the least of his deeds was to put new heart and courage into a people still struggling under the blows which had robbed them of more than half their Empire. East and West, North and South there was Roman territory to be recovered and there were victorious enemies to be chastised. Though no soldier himself, Justinian, through the genius and skill of his generals Belisarius and Narses, restored the military glory and prestige of Rome. Persia, the traditional rival and enemy of Rome was shut off from the Mediterranean and safe behind

the old boundaries was made harmless by a truce of fifty years. There could be no Roman Empire if Rome was not able to recover all that had once been hers. Under Justinian the Mediterranean once more became the centre of Roman power and the avenue of Roman conquest. With Belisarius the wave of conquest swept along the southern shore of the Mediterranean and carried before it the Vandal kingdom of Africa. In a campaign of a few months a kingdom that has lasted a century was swept to destruction, leaving not a trace behind. In regular order the same irresistible power swept over the islands of the Mediterranean, and once more Sicily, the granary of Rome, sent her corn-ships to the Roman capital.

Another Teutonic kingdom, that of the Ostrogoths, which, under the guidance of the brave and far-seeing Theodoric, had advanced so far in the arts of peace that it may be said to have justified its conquest of Rome and Italy, unfortunately stood in the way of Justinian's plans, and it too was annihilated. The other branch of the Gothic people, the Visigoths, who had established themselves in Spain, were made to yield up a large portion of the territory they had conquered. "The geographical aspect," says Freeman, "of the map of Europe has seldom been so completely changed within a single generation as it was during the reign of Justinian. At his accession his dominion was bounded to the West by the Adriatic, and he was far from possessing the whole of the Adriatic Coast." Under his reign the power of the Roman arms and the Roman law were again extended to the ocean. Roman power and Roman influence were once more restored in all Roman lands except those where the Franks ruled, and "even those lands were destined to become once more part of a Roman Empire, but a bishop of old Rome, not an Emperor of New Rome was to bring this about two hundred and fifty years later."

The military successes of the reign of Justinian would alone entitle him to a unique place in history. So too would his work as a builder of great and beautiful edifices. Despite the fact that the Roman world had been beaten prostrate and that a century of war and havoc had just passed, Justinian was not

only able to find architects and artists, but even the means to make of his reign one of the most glorious periods in the history of art. Santa Sophia, "the most perfect monument of Christian piety," as it has been called is also a monument to the artistic instincts and spirit which Justinian quickened and encouraged. In the midst of war he knew how to make the arts of peace flourish and here too he has raised to himself a unique and perpetual memorial.

The work, however, with which the name of Justinian is most inseparably connected, is the great *Corpus Juris Civilis*, the codification of Roman Law. At his instance and under his direction a commission was organized, composed of the best jurists in the Empire, to bring order out of the chaos which ruled in the world of Roman Jurisprudence. The various sections of this huge undertaking were carried out with a rapidity and thoroughness that is astounding. All that Rome stood for, with a slight blending of Christianity, was crystallised in this Body of Civil Law and for weal or woe laid at the feet of humanity. "Rightly and justly, therefore, is the name of the peasant's son from the valley of the Vardar mentioned with reverence, wherever from the Mississippi to the Ganges, teachers of law expound the greatest of Rome's legacies to the nations, the *Corpus Juris Civilis*."

These represent but a part of the manifold activities of Justinian. He was a writer, a theologian, a diplomat, an administrator, and in everything that he undertook, he attained a certain eminence where he did not excel. Supreme accomplishment is hardly possible where the interest is divided; but it is no small accomplishment to have been the guiding and directing spirit, unifying and coördinating all the activities with which the reign of Justinian is filled. It might be well if we could dismiss the subject here, and say that in the great works he planned and executed we find the measure of his soul and mind, but that would not give us the true Justinian. There was another side to his character, which had a more potent influence in determining his place in history.

At the beginning of his reign Justinian declared that his

purpose was to restore the ancient glories of Rome and with the execution of this purpose nothing was allowed to interfere. In order to get money to carry on his numerous schemes at home and abroad, cruel and unjust methods of taxation were resorted to. The people, impoverished by the exactions of the tax gatherers, were compelled to forced labor in the government service. The name of Justinian's Prætorian Prefect and tax-gather, John of Cappadocia, is as truly symbolic of his reign as those of his generals and his architects. The words of Justinian and the ceremonial of his court show that no man who wore the diadem of the Cæsars was more concerned for the prestige and glory of the office than he, yet he took as his consort and crowned as co-regent a woman whose depravity and licentiousness were known in every city of the Empire. He shocked and wounded the sensibilities of his compatriots, but his life was simple, even austere. He never showed excitement nor does he seem to have been capable of enthusiasm. He was the cold, calculating, implacable reincarnation of Roman pagan imperialism. He was just, but he could be cruel; he loved ostentation, but his life was simple; he knew how to curry favor with what Diehl calls the "canaille of the circus," but he could slay them by the thousand without a qualm. He could bend the world to his will, but he himself was bent and warped by the spirit of the institutions which he controlled and directed. He could not escape the spirit of Roman law, the genius of pagan institutions or the tradition of Roman Cæsarism. "He represents," says Bury, "the last stage in the evolution of the Roman Imperium: in him was fulfilled its ultimate absolutism. From Augustus to Diocletian there was a dualism, the 'dyarchy,' of the Emperor and the Senate which was abolished in the monarchy of Diocletian; and from Constantine to Justinian there was another dualism between the Church and the imperium, which passed into Justinian's absolutism. . . . The historian Agathias expresses Justinian's absolute government by saying: "of those who reigned at Byzantium, he was the first absolute sovereign in deed as well as in name."

This sums up the character of Justinian's administration and

the main achievement of his life and reign. Bury says of him: "He may be likened to a colossal Janus bestriding the way of passage between the Ancient and Mediæval worlds." He did not bestride, he blocked the way. The mediæval world demanded of him that he give an answer to the problem of how Church and State were to be related. His answer was to ignore the reform of Constantine and to throw the world backward to the political conditions of a Trajan or a Decius. To the mind of Justinian there was no Church *and* State. There was state absolutism with a department of religion, and, following in the footsteps of Constantius, he was willing to aid and encourage the Church, but it was a Church wholly dependent on the head of the State. Cæsar was head of the State, and head of the Church and Cæsaropapism was Justinian's contribution to the civilization which he had aided so nobly in saving.

Though a Christian, a mystic, and a theologian, Justinian failed to seize the true spiritual significance of Christianity. He reverted to the pagan ideal, and not only in word but in deed showed that he considered himself absolute master over the Church as well as the State. He made laws for the Church, he dictated to councils, he drew up doctrinal formulæ, and by imperial edict regulated matters of faith. While Cæsaropapism is infinitely better than the raw heathenism of the earlier times, it is hardly an exaggeration to say that Justinian brought the progress of civilization to a stop, or rather turned it back into the old channels. Edmund Burke said he did not know how to draw up an indictment against a whole civilization. In order to point out the numbing effect of Justinian's action on the civilization and history of the Eastern branch of Christendom, it would be necessary to analyse and describe what Byzantium has represented in the affairs of mankind. It may be said in justification and defence of Justinian that the forces which he used were already in existence and operative before he came to the throne, that he was not more culpable than a Zeno or an Anastasius, but a statesman can hardly be exonerated if he repeats the mistakes of his predecessors, and a man, and especially a ruler, is judged as well by his sins

of omission as by his sins of commission. He had a great opportunity and he failed. Had he been less self-centred, had he lived more for people and less for institutions, had he turned his face to the future instead of the past, he might have seen that Christianity had unlocked the human spirit, that a way had been shown by which it might escape the chafing limits of institutions which it had exhausted and which it had outgrown, and that a new civilization would arise from the effort to satisfy new spiritual longings and aspirations. This task was reserved for other times and other peoples.

To trace the steps by which the people of Western Europe were brought out of the chaos and disorder which prevailed there at the time that Justinian commenced his work of reorganisation would be the surest way to point how deep and widespread this disorder was. What was accomplished in less than one generation in the East, took nearly three centuries in the West. When the Western Empire came to an end, swallowed up in general disintegration, the only fact for many decades which contained any promise of better things was the conversion of Clovis and his Franks to the Christian religion. The only ones among the great Teutonic confederations to become orthodox Christians directly, the Franks alone succeeded in establishing a permanent kingdom within the limits of the old Roman Empire. It was a matter of no small moment when all the forces of disruption were at work, that the head of the most powerful Teutonic Confederation should be brought into the current of orthodox Christian thought in the West. This fact affected all subsequent history. The Franks became the leaders and subsequently the rulers in Western Europe. By slow degrees a counterpart to the Eastern Empire had grown up in the West and in the eighth century all of the territory between the Elbe and the Ebro was under the dominion of one man. All the provinces which had formerly belonged to Rome with the exception of Britain, part of Spain and Italy together with enormous possessions in Germany, were governed by Charlemagne.

There are some few things to be remarked in connection with the condition of the Frankish kingdom at this time. In the

first place it was based on a union of Roman and Teutonic elements. In language, law and manners the two elements subsisted side by side. No general amalgamation had taken place. In the second place, the Franks were devotedly attached to their religion. Thus at the end of the eighth century all these forces seemed to be waiting for the impulse from within or without, which would cause them to coalesce into a new civilization. Two circumstances contributed to this result:—the administrative measures of Charlemagne and his relations with the Holy See.

Charlemagne became joint ruler of the Frankish dominions in 768 and sole ruler in 771. Though no less an authority on imperial standards than Napoleon was satisfied to take Charlemagne as his model, the propriety of incorporating the word "great" in his name has often been questioned: but if his reign is judged by its spirit and results rather than by isolated incidents in his career, it may with all justice be admitted that the verdict of his own nation will be sustained.

When he came to the throne he found the people under his sceptre with neither unity, ideals, nor a spirit of national destiny. They were exposed to constant attacks from the enemies along their borders and they were sunk in ignorance. It is no exaggeration to say that what the historian can discern by contrast with other peoples and other times was clear to the eye of Charlemagne from the beginning. He followed from his coronation a consistent policy, and when he laid down the sceptre, the foundations had been laid on which are built the great nations of Europe. Many causes within his kingdom contributed to retard his work of unification, not the least among them being the spirit of fission which afterwards contributed so powerfully to the growth of feudalism. Another obstacle arose from the slothful methods of his Frankish predecessors who subdued many nations, but ruled none of them.

Charlemagne's merits as a ruler can best be judged from his work of defence, of administration and education, or his work as a soldier, a statesman and a teacher. In a reign lasting 47 years he directed 53 military campaigns. For eight years he waged war with the Avars and for thirty-three with the

Saxons. He never desisted until his enemies admitted defeat or retired beyond his borders. He surrounded his Empire with a line of fortified posts, behind which he carried on his work of education and organisation.

His plans were bounded only by his Empire and by the capacity of his people for advancement, and in the midst of his wars and diplomatic struggles there was no detail of administration too small or insignificant to be neglected. He drew up practically an entire legal code, but he could at the same time decide how children ought to be taught to sing church hymns, and what kind of plants would best suit certain localities. In his scheme of government he aimed at a method of administration by which the good of all the people would be provided for, and by which the laws would be justly and equitably administered. Charlemagne however, does not owe his position in history so much to his merits as a warrior or statesman, as he does to the fact that in his person was revived the Roman Empire of the West. Mr. James Bryce says: "The coronation of Charles is not only the central event of the Middle Ages, it is also one of those very few events of which taking them singly, it may be said that if they had not happened, the history of the world would have been different."

The facts leading to this important event are briefly these. The Lombards gradually forced themselves into Rome and Roman affairs, until the pressure became intolerable, and the Popes seeing no hope either in an appeal to the imperial Exarch in Ravenna or to the imperial ruler in Constantinople, turned for aid to the Franks. Pepin and after him his son Charles made several expeditions to Italy and placed themselves in the position of defenders of the Holy See. It is useless to discuss the question as to whether the Pope had the right to crown Charles Emperor, the fact of importance is, that by crowning him, he performed an act which moulded the course of history for centuries. Charles was the greatest ruler in the West, he was ruler in Italy by virtue of assumption of the iron crown of Lombardy, and by becoming Emperor he became a figure in universal history because his act was an open and formal answer to the problem raised by Con-

stantine nearly 500 years before. For Western Europe the question was answered in regard to the relations of Church and State. It would not, perhaps, be accurate to say that Charlemagne evolved a new theory of these relations, but it is certain that as head of a State he took a position towards the Church which was in accordance with the traditional theory of the Church. The attitude of the Western Church towards the state had been clearly defined centuries before and in entering into close relations with the Church, Charlemagne tacitly, but none the less formally, accepted that attitude and that theory. As early as the fifth century, the Popes in conflict with the Emperors, had expressly formulated this theory, that in Christian society the spiritual and the temporal powers are, in the first place, entrusted to two different orders, each deriving its authority from God, each supreme in its own sphere, and independent within its own sphere of the other. In the second place, while these two authorities are each independent, and supreme in their own spheres, they are also mutually dependent and cannot avoid relations one with the other.

None knew better than Charlemagne the meaning of this relation. Writing to Leo III on the occasion of the latter's election to the Pontificate, he said: "It is our task to defend by arms from without, the Holy Church of Christ from the ravages of the pagan and the infidel, and from within by the profession of the Catholic faith. It is yours, lifting your hands to God, with Moses, to help our warlike endeavors with your prayers." Such was Charlemagne's conception of the relation of Church and State, such his answer to the problem of the Middle Ages.

All the questions as to whether Charlemagne really desired to receive the crown from the hands of the Pope, whether he was convinced that the Pope had the right to crown him, or whether he ever fully realised the significance of this act, are of little importance. What is of importance is that he approved and put into effect a manner of relation between Church and State which formed the basis of Mediæval European civilization. The work of Charlemagne was the continuation and complement of the work of Constantine. Without im-

pairing in the least the monarch's usefulness or authority it imposed on him new obligations to defend the Church and the helpless.

Not only did Charlemagne give Mediæval society the form and impress it retained for centuries, but he may be said to have given that society an impulse that saved it from subsequent destruction. When the unity of Empire which he had established was crumbling away in the reigns of his weak and incompetent successors, the position in which he had placed the Church made it a bond of unity when all other ties failed. The ideals of Charlemagne survived the days of Carolingian failure and decline and were brought to full realisation by Hildebrand, under whose skilful hand the forces were moulded and directed which produced the great nations of Europe, with their spirit of liberty and progress.

Thus from a difference in the manner in which two men conceived and executed a duty imposed on them by the position they occupied, have come the two main currents of civilization as represented in the two sections of Christendom. How far the failure or the achievements of these two branches of civilization are to be attributed to the two men who were so largely responsible for the direction they received it is not easy to say. Byzantium and Western Christendom represent something totally different, one represents dwindling influence, suppression of popular liberties, suffocation of art and aspiration, and the very essence of state absolutism. The other stands for progress, culture, for the growth of popular sovereignty, and the widest measure of popular liberty consistent with good order.

The question of Church and State is ever old and ever new. It is the question of collectivism versus individualism, of State absolutism or popular rights, and for the world of the present seeking in so many quarters an outlet for its difficulties and its problems by enlarging social control and the powers of the State, there may be a valuable lesson in the contrast offered by the civilizations bearing respectively the imprint of Justinian and Charlemagne.

PATRICK J. HEALY.

BOOK REVIEWS.

Expositio Regulae Fratrum Minorum, Auctore Fr. Angelo Clareno. Quam nunc primum edidit notisque illustravit P. Livarius Oliger, O. F. M. Ad Claras Aquas (Quaracchi). Typis Collegii S. Bonaventurae, 1912. 16°, pp. lxxviii—250. Price, 6½ francs.

It is well known that even during the lifetime of St. Francis of Assisi a division had shown itself in the ranks of his followers as to the observance of the Rule and that this division resulted in the formation of two parties within the order of Friars Minor designated respectively by later writers the *Zelanti* or "Spirituals" and the *Relaxati*. The former insisted on the literal following of the primitive Rule "without gloss" while the latter favored a relaxation of its rigor especially as regards Poverty. These mystic disputes among the Franciscans, which lasted over a century and which were marked by revolt on the one hand and by repression on the other,—both accompanied by harshness and even cruelty,—gave rise to a very considerable literature. In the mass of controversial writings which thus grew up round the Rule of the Friars Minor the works of Angelo Clareno are of special interest and importance. This remarkable man entered the Franciscan order in or about 1260 and soon became the leader of the "Spiritual" Friars in the Marches of Ancona. Hunted and persecuted by his adversaries during his whole life, Angelo Clareno died in 1337. Among the works of Clareno that have come down to us the best known are undoubtedly his *Chronica Septem Tribulationum Ordinis Minorum*, a complete edition of which is now in course of preparation at Quaracchi, his *Epistola Excusatoria ad Papam* which has been edited by Fr. Ehrle, S. J., in the *Archiv für Litteratur und Kirchengeschichte* and his *Expositio Regulae Ordinis Fratrum Minorum* a work now published for the first time in the volume under review.

Students of Franciscan history have long felt the need of a critical edition of Clareno's Exposition of the Rule of his Order, not indeed that it has any great practical value nowadays but

because of the light it throws upon the complicated early history of the "Spiritual" Franciscans and because it may be regarded in some measure as an apology for the line of conduct followed by Clareno and his disciples. The present edition of Clareno's work was worth waiting for. It would have been difficult, perhaps, to find anyone more fitted for the difficult task of editing such a work than Fr. Livarius Oliger who has long made the history of the Franciscan Rule and of the "Spiritual" Friars a special study. So far as concerns knowledge of his sources—whether this be in the form of inedited mss. or of printed material—he is thoroughly equipped. The sum of his researches is embodied in the critical Introduction to the present volume (pp. i-lxxviii) which opens with a detailed description of the early mss. in which Clareno's exposition may be found and an accurate account of the fragments of the work already published. Next follows a biographical sketch of Clareno covering twelve pages which adds not a little to our knowledge of his life. This is supplemented by a list of Clareno's writings including the works he translated from the Greek. Among these writings the *Expositio Regulae* is, of course, dealt with at greatest length, many interesting questions being touched upon as to the date of its composition, the sources from which it derives its value and authority. After this comes the Exposition itself in twelve chapters (pp. 1-236), the text here published being taken from a XIV century codex now preserved at S. Isidore's College, Rome, which the Editor has carefully collated with several other early mss. The value of the text before us is moreover greatly enhanced by the scholarly notes of reference and explanation which elucidate the standpoint of the author and the more important allusions contained in the Exposition. Only those who know something of the difficulty attending the editing of mediæval documents will be able to appreciate the labor involved in the preparation of the present volume. The patient and careful scholarship is a delight. Indeed Fr. Oliger's edition of Clareno is a really notable work and is in its way beyond all praise.

FR. PASCHAL ROBINSON, O. F. M.

Christ's Teaching concerning Divorce, in the New Testament.

An exegetical study. By Rev. Francis E. Gigot, D. D. New York, Benziger. 1912. Pp. 282.

Most of our so-called Christian nations pretend to follow the maxims of Christ, and yet many of them legalize remarriage after separation of husband and wife. Protestant churches claim not only that Christ allowed divorce in the case of infidelity, but that this was only a model case, and that He was not opposed to divorce and subsequent wedlock for reasons of similar import. For those who believe in the divine mission of Christ, His words ought to be law, and no matter what reasons the human mind can put forward against the permanency of the marriage-tie, they must be set aside if they disagree with the Master's teaching. The teaching of Christ is for the believer, the starting point and it is compliance with it that will render any legislation on divorce Christian or un-Christian. But what is that teaching? It is this fundamental question that Dr. Gigot has undertaken to investigate, on strictly scientific lines; surely, there could not be any study more actual or more welcome to the honest seeker after truth.

The passages of the New Testament in which are recorded the sayings of Jesus on divorce, are the following: Mark, x, 2-12; Luke, xvi, 18; 1 Cor. vii, Matt. v, 31-32; xix, 3-12.

These passages are subjected to a very minute analysis by Dr. Gigot. He deals with them in a manner that reveals not only the severe dialectician but also the true historian: he sets each passage in its context, points out the insidious questions that gave rise to Christ's answers, and interprets it in the light of the historical circumstances in which it was uttered. Such a painstaking and methodical analysis shows that the author is equal to the task that he has set for himself, and reflects great credit upon him. This applies especially to the famous passages of St. Matthew in which is to be found the clause 'except for fornication.' Our Lord was well acquainted with the difference between the two schools of Hillel and Shammai with regard to the interpretation of the 'Eruath Dabhar,' the ground given by Deuter. xxiv, 1, for delivering a bill of divorce. Hillel maintained that the expression meant anything that would displease the husband, provided the bill of divorce be delivered; Shammai restricted it to the case of infidelity. Shammai was right, and his interpretation corresponds to the original purpose of the Mosaic legislation. Yet, as Dr.

Gigot shows, Jesus did not intend to side with Shammai against Hillel, but directly and explicitly gave his teaching as the abrogation of that of Moses. In St. Matthew, therefore, there is question only of separation, but remarriage after separation is branded as adulterous intercourse.

We can hardly do justice to the author in such a short notice, but we recommend his work to the readers of the *Bulletin*. We confidently hope that this little volume will contribute to check the advance of the greatest of modern social evils, divorce.

R. BUTIN.

Faith and Suggestion, including an Account of the Remarkable Experience of Dorothy Kerin, by Edwin L. Ash. Philadelphia, Reilly, 1912. 12mo., 151 pp. \$1.25 net.

The object which the author has had in mind in writing this little book is a laudable one. It is to show how unfounded are the claims of a materialistic pseudo-science to have disproved the existence of Soul and Spirit, and to have explained all psychical and religious experiences by the agency of purely natural causes. "Realising the morbid effect on many of a belief that modern science has finally banished the spiritual sphere and put the Soul out of court, it occurred to me that I might further help some who sought my aid by collecting the opinions of many of these scientists and psychologists who have made it clear that nothing has yet been 'proved' to make the position of the materialists impregnable. These investigations," he adds, "point more and more strongly in the direction of the spiritual."

Making use of the modern teaching of psychologists like the late Professor James in regard to the sub-conscious activity of the mind, he argues that it can be viewed as the 'open door' through which influences from the world of Spirit are made accessible to favored individuals. These influences often take the form of divine, supernatural suggestion, conveying distinct communications from God and also bringing about miraculous cures. In illustration of his point, he describes the remarkable cure of a young woman of London, Dorothy Kerin, who after seven years of illness, variously diagnosed as tuberculosis, and as hysteria simulating tuberculosis,

was reduced to a state of absolute physical exhaustion, in which she was only partly conscious and lost the use of sight and hearing. On February 18, 1912, as her relatives were gathered at her bedside looking for her death at any moment, she had a vision of an angel, radiant with a light of indescribable beauty, who touched her and said in a tone audible only to herself, "Dorothy, your sufferings are over; get up and walk." To the astonishment of all present, she sat up, opened her eyes, called for her dressing-gown, got out of bed, walked and ate food, and has ever since been in excellent health. This remarkable cure is vouched for by evidence beyond cavil. Of its supernatural character Miss Kerin is absolutely convinced, and the author of the book under review shares her conviction. The physicians and nurses who attended her for the last two years of her illness pronounced it at the time advanced tuberculosis. But the fact that in its earlier stages, the ailment was thought by some to be of hysterical nature has led others to doubt whether it was, after all, a genuine organic disease. There are some, therefore, who would hesitate before asserting that the cure, remarkable as it is, was miraculous.

The author has a peculiar habit of defying grammar by writing as sentences what are mere dependent clauses or detached phrases. Instances will be found on pages xi, xii, 18, 67, 125. Apart from this, he tells what he has to say in an interesting manner.

CHARLES F. AIKEN.

Spiritual Perfection through Charity, by H. R. Buckler, O. P.
New York, Benziger, 1911. 12mo., 346 pp. \$1.50 net.

Father Buckler is a prolific writer on the subject of spiritual improvement and piety. He has won an honorable name in this field of literature by such works as *Spiritual Consideration*, *A Few Aids to Faith*, *A Good Practical Catholic*, *A Spiritual Retreat*, *A Few First Principles of Religious Life*, and *Spiritual Instructions on Religious Life*. The present volume is a worthy continuation of this series. It consists of a chain of instructions originally addressed to the young religious of his order, afterwards adapted to a much wider circle of readers. Both the secular priest and the piously inclined layman will find

the book interesting and profitable. It is made up of two parts, called books. Book I, comprising seven chapters, deals with the end and nature of spiritual perfection. Book II aims at showing how through the manifold exercise of charity progress can be made towards the noble ideal of Christian perfection. The treatment of this elevating theme is characterized by sound judgment and by a sympathetic consideration for the imperfections and failures of aspirants after perfection. The author gives evidence of a wide range of reading in the classic, spiritual and ascetic writings approved by the Church, apt citations from which are to be found on almost every page. He also has command of a pleasing, flowing style, a thing which is not always found in books of this kind. Chapter VII of Book I, on *Religious Perfection*, and Chapters VI and VII of Book II, bearing the titles, *Mortification* and *Riddance of Faults and Fears*, are instructions of exceptional excellence. For spiritual reading it is a work worth while.

CHARLES F. AIKEN.

Little Sermons on the Catechism, from the Italian of Cosimo Corsi, Cardinal Archbishop of Pisa. Vol. II. New York, Joseph F. Wagner, 1911. 8vo., 207 pp. \$1.00 net.

Books of sermons are always welcome to the busy priest. They are the handy storehouses, from which he can draw at short notice a suitable theme to speak on to his flock. The present volume offers fifty-two short instructions on a variety of subjects suited to young and old. In treatment these instructions are solid and plain, bare of illustration, devoid of anything like literary flavor. To the trained preacher they will furnish material for building up useful sermons. It is a pity that no attempt was made to arrange them in something like an orderly sequence. As the table of contents now stands, it is a jumble of titles thrown together haphazard.

CHARLES F. AIKEN.

La Damoisele a la Mule (La mule sanz frain), conte en vers du cycle arthurien par Paiens de Maisieres, nouvelle édition critique par Boles las Orlowski. Paris, Champion, 1911. xi+224 pp. (Thèse pour le doctorat de l'Université de Paris.)

La mule sans frain, an Arthurian romance by Paiens de Maisieres, edited with introduction, notes and glossary by Raymond Thompson Hill. Baltimore, J. H. Furst Company, 1911. 71 pp. (Dissertation, Yale University.)

The two books were written simultaneously, the one in France, the other in America. The latter is nothing more than a new revised edition of the text, the introduction containing only a brief review of the Old French language. There is wanting in this treatise all comparative study in regard to the sources, origin and development of the poem, to the motifs and character of the work, and to its relation to Chrétien de Troyes, as a new edition in our times demands (although in a footnote the editor promises to do this in some later time). I am very curious as to the nature of this proposed work, as I for myself had planned a new edition and had collected material for it. The other dissertation makes an effort to give what its companion lacks. But I am able to show that the author's views regarding the relation between the Old French romance and the Old German literature are incorrect. Had he taken "une comparaison minutieuse du roman français et du poème allemand" (compare *Romania*, Tome XLI, No. 161, 1912), he would have been more successful in his work. Mario Roques is right in calling attention to this fact, in the above-mentioned *Romania*. In the next publication of the *Catholic University Bulletin* I hope to be able to give this comparison with the important connections concerning the source of "La mule sanz frain." I am prepared to say that the German romance "Diu Krône" of Heinrich von dem Türlîn translates almost line for line the French poem and was influenced by the "Ivain" of Hartmann von Aue.—A new edition only of the text of "Paien de Maisières" with its few variations is scarcely of any value.

PAUL GLEIS.

De Curia Romana: Eius Historia ac Hodierna Disciplina iuxta Reformationem a Pio X inductam: auctore Arthur Monin, J. C. L. in Universitate Catholica Lovaniensi Iuris Canonici Professore Extraordinario. Pp. 394. Lovanii, Van Linthout, 1912. 5 frs.

The Roman Court has long offered an inviting subject to the pen of the canonist, as is witnessed by the long list of authors, ancient and modern, who have devoted themselves to its study. Much of what has been written in the past still retains interest and value from an historical point of view, but—in so far as actual practice is concerned—even the most classical treatises that appeared before 1908 have been antiquated by the Constitution *Sapienti Consilio* of Pius X. A signal proof of this is found, *e. g.*, in the fact that the latest edition of one of the most recent and authoritative of canonical text-books declares that any discussion of the Rota pertains only to legal history and archæology, and not to existing discipline.

The need created by the *Sapienti Consilio* has been met by numerous works devoted to an explanation of the important changes wrought by that document in the organization and competency of the congregations, tribunals and offices which constitute the Roman Curia in the stricter sense of that term. And precisely in view of the many laborers in this new field, it is no slight praise of the present work to say that there are few comparable with it in thoroughness, scholarship and adaptation to practical needs. Compendious as it is, it leaves little to be desired, whether one seeks knowledge of the history or wishes to learn the present province of action of the bodies created to assist the Sovereign Pontiff in matters judicial and administrative relating to the universal Church.

No detail of importance or interest is neglected; the bibliography is unusually complete and up-to-date; what is valuable in other commentaries is fully utilized; even the method of having recourse to the various organs of the Curia is indicated so that one who has at hand this manual will—for ordinary purposes—rarely find reason to look further for information or guidance.

JOHN T. CREAGH.

MISCELLANEOUS.

Letter of His Eminence the Chancellor.

CARDINAL'S RESIDENCE,
408 NORTH CHARLES STREET.

BALTIMORE, MD., *November 3, 1912.*

Reverend dear Sir:

On the approach of the First Sunday in Advent, the day set aside for the annual collection in favor of the Catholic University of America, it becomes my pleasing duty to appeal with great earnestness to our hierarchy, clergy, and people for a continuance of the support they have so generously given us in the past, and the splendid results of which are now manifesting themselves in large and unexpected benefits to the Catholic Church in our beloved nation.

The growth of the lay departments of the University in the last three years has been truly phenomenal. From a modest figure the number of students in all departments receiving instruction from its professors has reached one thousand, and the indications are that in the next decade this figure will be doubled or trebled, so that even in point of numbers the Catholic University will, in our own generation, rank among the most successful schools of the nation.

Two large and useful edifices have been added to the noble group of buildings that ornament the grounds; a central plant for power, heat and light, and the beautiful Cardinal Gibbons Memorial Hall, now completed, and accommodating one hundred and thirty young men from all parts of the Union.

The library has increased to 80,000 volumes and will soon be one of our country's most important collections of up-to-date books. The laboratories of Chemistry, Physics and Biology have notably increased their equipment, and in general solid growth and varied activity characterize the daily life of this great central school of the Catholic Church.

Especially gratifying is the increase in the body of lay students; their rapid growth is at once a cause for rejoicing and a source of much concern as to the capacity of our residence halls, now filled to overflowing.

The professors have increased in numbers from twenty-eight to fifty-six and, not only by their teaching but by their writings and their public discourses, they illustrate honorably our Catholic life and compel an increasing admiration for Catholic learning and culture. While the Schools of Law and the Sciences show in particular a gratifying increase, the Schools of Philosophy and Letters are also developing rapidly. The University Summer School for our Teaching Sisters welcomed over three hundred of them from twenty-six religious orders and most of the States, while the recently established Sisters College has already, in its infancy, fifty students. In this way the benefits of the University are soon brought home to the remotest parish in our country, and not only the sons of our Catholic people but their consecrated daughters can drink at the fountain of knowledge which the popular generosity has opened and sustains.

Such a large growth, however, creates an urgent demand for more professors and immediate equipment, particularly for new buildings. Besides a new residence hall and an ample dining hall for at least six hundred students, the University needs a new chemical laboratory, a gymnasium, a library, and other edifices, if it is to conduct its work with the dignity and efficiency befitting an institution that represents the attitude of the Catholic Church towards learning.

It is the duty, and should be the pleasure, of all our Catholics to uphold and develop a religious work of this magnitude and promise. Already the Catholic University illustrates in several ways our immemorial devotion to human progress along its highest lines, and contributes abundantly to the defence and spread of our holy faith. Even now all visitors to the National Capital are filled with admiration at the size and number and character of its buildings, though yet in its infancy. It is becoming the recognized center for all our larger religious interests, both educational and charitable, and cannot fail to render incalculable service to the generations that follow, and for whose welfare we ought now to plan.

Every diocese has a living interest in the great work, for it is

now drawing students from the remotest quarters whose enlightened faith and noble zeal will in years to come justify all our sacrifices. I am well aware that the local works of religion make heavy demands upon our people, but we ought not to forget the larger and more general interests of our holy religion, and foremost among these is the Catholic University, if only for the high quality of scholarly leadership that it is destined to create and to keep up in the eventful period on which we are now entering. Were it only as a public and efficient protest against the highly secularized teaching of non-Catholic universities our own would be necessary, and would call for our most earnest support.

Our wealthier Catholic people who are often generous in the support of religion, ought to consider more seriously their duty towards this great central school of the Church and by endowments, scholarships, and special gifts encourage and develop it in each generation, until this new Oxford shall be filled with the honored names and the grateful memories of countless benefactors, whose services to Catholic education will perhaps be all that men will one day recall of their careers on earth.

Our Holy Father Pius X is most deeply concerned for the growth of the University, and last winter heard with delight the excellent report which the Rector of the University was able to present him. He gave him the noble pontifical letter that all know in favor of the University, and with it his paternal blessing on all who would in any way help the bishops of our country in their great task of upbuilding a central school of the higher studies that should be worthy of the name and an honor to religion. Let us all co-operate earnestly in developing this holy work that is making such rapid progress, is already our consolation and our pride, and will be eventually not only the intellectual fortress of our holy faith, but also a glorious site of all the arts, a home of letters, and an inspirational center for all that the Catholic religion can accomplish in the cause of humanity.

Yours faithfully in Christ,

JAMES CARDINAL GIBBONS,
Chancellor of the Catholic University.

UNIVERSITY CHRONICLE.

Opening of the Academic Year. The academic year 1912-1913 was solemnly opened on Sunday, October 6. Solemn High Mass was celebrated in the Assembly Room of MacMahon Hall, after which the Right Reverend Rector addressed the students.

Public Lectures. The Fall Course of Public Lectures at the University began on Thursday, October 17. The following are the dates and subjects:

October 17.—“The Political Economy of Alcohol,” Dr. Frank O’Hara.

October 24.—“Justinian and Charlemagne,” the Very Rev. Dr. Patrick J. Healy.

October 31.—“Catholic Charities,” the Rev. Dr. William J. Kerby.

November 7.—“Archbishop Ketteler: a Great Catholic Social Reformer,” the Rev. Dr. James J. Fox.

November 14.—“Saint Francis of Assisi,” the Rt. Rev. Monsignor Shahan.

November 21.—“Juan Luis Vives, Educator (1540),” the Rev. Dr. Patrick J. McCormick.

December 5.—“Literature and Politics,” Dr. Charles H. McCarthy.

December 12.—“Medieval Welsh Romances: the Mabinogion,” Dr. Joseph Dunn.

Typical Christian Hymns. The attention of Mr. Maurice Francis Egan, our Minister to Denmark, has been drawn by Mr. Angul Hammerich, of Copenhagen, to some unpublished and hitherto unknown sequences by Scandinavian monks of the Middle Ages in the Northern countries. In order to examine these, to complete his lectures on “Typical Christian Hymns,” he has asked permission of President Lowell of Harvard University to postpone his eight lectures at that University until the winter of 1914. President Lowell has very kindly granted this request.

Meeting of the Board of Trustees. The Board of Trustees held its semi-annual meeting, Wednesday, November 20th, 1912.

Matters of routine were first taken up and disposed of.

The Trustees expressed themselves as very much pleased with the large growth in the student body of the University and measures were taken to provide in due time the buildings that the increase of the University has made absolutely necessary.

The Trustees agreed to take over the publication of the great Paris collection of the Oriental Christian writers (*Corpus Scriptorum Orientalium*), of which seventy-five volumes have already appeared. This large enterprise will be henceforth conducted in coöperation with the Catholic University of Louvain in Belgium. Eventually it will contain all the Christian writers in Syriac, Coptic, Ethiopic and Arabic. Distinguished scholars from many universities of Europe will coöperate in this work and several volumes will be published annually.

The Trustees visited Gibbons Memorial Hall and congratulated the venerable Cardinal and Chancellor of the University on the splendid edifice that will henceforth perpetuate his memory at the University, and of which he has been from the beginning the principal support and benefactor.

Dr. Thomas C. Carrigan, Associate Professor of Law and Acting-Dean of the Law School, was elected James Whiteford Professor of Law and Dean of the Law School. Peter J. McLaughlin was appointed Associate Professor of Law and Vice-Dean of the Law School.

